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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 JOHN PRUKOP,

11 Plaintiff,

12 v.

13 KING COUNTY SHERIFF, *et al.*,

14 Defendants.
15

CASE NO. C07-216RSM

ORDER DENYING PLAINTIFF'S
MOTION FOR EXTENSION OF
TIME

16 This matter comes before the Court on Plaintiff's "Enlargement of Time for Joinder of
17 Additional Parties." (Dkt. #28). Plaintiff John Prukop, appearing pro se, seeks an extra 30 days
18 beyond the February 17, 2009 deadline imposed by the Court to join additional parties. Plaintiff
19 claims that good cause exists for such an extension based upon several personal reasons that
20 have justified the delay, including a two-week sickness and the process of obtaining transitional
21 housing for his family. (Dkt. #28, ¶¶ 4,5). However, the Court finds no reason to grant
22 Plaintiff's motion for the following three reasons.

23 First, and as Defendants correctly indicate, Plaintiff has failed to note his motion in
24 accordance with the Court's rules. Local Rule CR 7(d)(2)(A) very clearly requires a motion for
25 a relief from a deadline to be noted no earlier than seven judicial days after filing. Here, Plaintiff
26 filed his motion on February 20, 2009 and noted his motion on February 27, 2009, or five
27 judicial days thereafter. Plaintiff's motion should have been noted no earlier than March 3,
28 2009. While pro se plaintiffs are ultimately held "to less stringent standards than formal

1 pleadings drafted by lawyers,” *Haines v. Kerner*, 404 U.S. 519, 520 (1972), it is equally well-
2 established that “courts should not have to serve as advocates for pro se litigants.” *Noll v.*
3 *Carlson*, 809 F.2d 1446, 1448 (9th Cir. 1987). This was made expressly clear in this Court’s
4 previous Order denying Defendants’ motion to dismiss. (Dkt. #20). Indeed, the Court
5 informed Plaintiff “that it is his duty to be apprised of the relevant rules of the Court throughout
6 this litigation.” (*Id.* at 4). The Court will once again reiterate to Plaintiff that “[h]e who
7 proceeds pro se with full knowledge and understanding of the risks does so with no greater
8 rights than a litigant represented by a lawyer, and the trial court is under no obligation to . . .
9 assist and guide the pro se layman[.]” *Jacobsen v. Filler*, 790 F.2d 1362, 1365, n. 5 (9th Cir.
10 1986) (citation omitted).

11 Second, considerable delay has already occurred in this case. Plaintiff brought this
12 lawsuit more than two years ago, yet this case remains at its infancy stages. The parties only
13 recently submitted their Joint Status Report, and it appears that discovery has not even
14 occurred. Given Plaintiff’s serious allegations that Defendants are in violation of his
15 constitutional rights based on events that occurred more than three years ago, it is certainly in
16 Plaintiff’s best interest to begin discovery as soon as possible. Therefore further extensions in
17 this case will only inhibit Plaintiff’s ability to litigate this case in an expedient fashion.

18 Third, and relatedly, Plaintiff had clear notice of this deadline on December 23, 2008,
19 when the Court issued its initial scheduling order. (Dkt. #27). In fact, the Court previously
20 granted Plaintiff’s telephonic request to continue the January 20, 2009 deadline for joinder of
21 parties to February 17, 2009. Nevertheless, Plaintiff waited until three days after the deadline
22 had passed to move for an extension of time. This neglect is inexcusable. Again, the Court
23 finds it worthwhile to restate portions of its previous order:

24 The Court reminds Mr. Prukop that as the plaintiff in the instant action, it is his
25 responsibility to pursue his claims with reasonable diligence and in accordance with the
26 rules of the Court. Mr. Prukop is on notice that failure to comply with conditions of this
27 Order or to otherwise comply with the rules of this Court from this point forward is
sufficient grounds for the Court to dismiss his claim. The record clearly shows that Mr.
Prukop has not been proactive in the prosecution of his case, and the Court will not
tolerate any further delays.

28 (Dkt. #20 at 7).

1 Therefore having reviewed the relevant pleadings, and the remainder of the record, the
2 Court hereby finds and orders:

3 (1) Plaintiff's "Enlargement of Time for Joinder of Additional Parties" (Dkt. #28) is
4 DENIED.

5 (2) The Clerk is directed to forward a copy of this Order to all counsel of record and to
6 pro se Plaintiff.

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8 DATED this 9 day of March, 2009.

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11 RICARDO S. MARTINEZ
12 UNITED STATES DISTRICT JUDGE
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